

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

ALBERTO BENITEZ-DIAZ,  
CESAR SERRANO-NIETO,  
JAIRO SALAZAR-DOMINGUEZ,  
JOSE DERAS-LOPEZ and  
SALVADOR ALAMILLA,

ORDER

Case No. 24-cv-369-wmc

Petitioners,

v.

WARDEN E. EMMERICH,  
Oxford Federal Correctional Institution,

Respondent.

---

Petitioners Alberto Benitez-Diaz, Cesar Serrano-Nieto, Jairo Salazar-Dominguez, Jose Deras-Lopez, and Salvador Alamilla seek relief pursuant to 28 U.S.C. § 2241. Petitioners request leave to proceed without prepayment of the filing fee. In support of this request, petitioners have filed separate trust fund account statements and a motion to "consolidate" their financial statements with their motion to proceed without prepayment of the filing fee.

In determining whether to allow a prisoner to proceed without prepayment, this court uses the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from petitioners' trust fund account statements, I find that petitioners can pay the filing fee. Accordingly, I will deny their motion for leave to proceed without prepayment of the fee. To proceed further on this habeas petition, *each* petitioner must pay the \$5 filing fee. If a petitioner fails to pay the fee by July 30, 2024, then I will assume that he wishes to withdraw from this petition.

ORDER

IT IS ORDERED that:

1. Petitioners Alberto Benitez-Diaz, Cesar Serrano-Nieto, Jairo Salazar-Dominguez, Jose Deras-Lopez, and Salvador Alamilla's motion for leave to proceed without prepayment of the filing fee, dkt. #2, is DENIED. Petitioners have until July 30, 2024 to each pay the \$5 filing fee by submitting a check or money order payable to the clerk of court. If a petitioner fails to pay the fee by July 30, then I will assume that he wishes to withdraw from this petition.
2. Petitioners' motion to consolidate their financial statements with their motion for leave to proceed without prepayment of the filing fee, dkt. #10, is denied as unnecessary.

Entered this 2nd day of July, 2024.

BY THE COURT:

/s/  
ANDREW R. WISEMAN  
United States Magistrate Judge